

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY sf D.C.
05 SEP 13 AM 8:46
THOMAS A. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN, JACKSON

UNITED STATES OF AMERICA

VS.

Criminal No. 1:05-CR-10033-T

SCOTTY MOSIER,
HANK BUSSEY

ORDER CONTINUING TRIAL DATE AND REPORT DATE
AND EXCLUDING DELAY

Upon motion of counsel for both defendants, the trial date which is currently scheduled for September 14, 2005, is hereby continued. Defense counsel, M. Dianne Smothers, will be unavailable because her son is scheduled to have surgery. Because of the unavailability of counsel, the motion is hereby granted. The court finds that the unavailability of defense counsel and the defendant's need for continuity of counsel justify this continuance and the ends of justice served by the continuance outweigh the best interests of the public and the defendants in a speedy trial. Also, defendants contend that additional time is needed for preparation for the trial.

The Court finds that the defendant's need for a continuance for additional time outweighs the best interest of the public and the defendant in a speedy trial; therefore, the ends of justice will be served by granting a continuance in order to allow the defendants more time to prepare for trial.

The Clerk shall **re-set** the **TRIAL DATE** for Wednesday, October 26, 2005 at 9:30 A.M. The Court finds that the grounds for this continuance justified excluding the period of September 14, 2005 to October 26, 2005, as excludable delay under Title 18 U.S.C. § 3161(h)(8)(A). A new report/motion date has been set for October 11, 2005, at 8:30 A.M.

IT IS SO ORDERED.

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE
DATE: 13 September 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 54 in case 1:05-CR-10033 was distributed by fax, mail, or direct printing on September 14, 2005 to the parties listed.

M. Dianne Smothers
FEDERAL PUBLIC DEFENDER
109 S. Highland Ave.
Ste. B-8
Jackson, TN 38301

Jerry R. Kitchen
U.S. ATTORNEY
109 S. Highland Ave.
Jackson, TN 38301

Clayton F. Mayo
THE MAYO LAW FIRM
P.O. Box 7505
Jackson, TN 38302--750

Honorable James Todd
US DISTRICT COURT